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DEL MAR SEAFOODS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8- foot long fishing vessel, her engines,
tackle, furniture, apparel, etc., *in rem*, and
Does 1-10,

Defendants.

Case No.: 3:07 CV 02952

**ORDER ON PLAINTIFF DEL MAR
SEAFOODS, INC.'S EX PARTE
APPLICATION FOR ORDER
APPOINTING NEW SUBSTITUTE
CUSTODIAN AND TO MOVE THE
VESSEL**

[PROPOSED]

GOOD CAUSE appearing therefor in the Ex Parte Application of Plaintiff Del Mar Seafoods, Inc. for an Order Permitting the Appointment of a New Substitute Custodian and to Move Vessel to SugarDock,

IT IS HEREBY ORDERED that National Maritime Services, Inc. ("NMSI"), the current Substitute Custodian in this action, is hereby authorized to make a one-time movement of the Defendant F/V POINT LOMA, Official Number 515298, from its present location within the District (the Hyde Street Pier in San Francisco, California) to SugarDock, LLC, 800 Wharf Street, Richmond, California 94804, with said Vessel

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1 movement to be accomplished by using the towage services of the Substitute Custodian's
2 appointed servant and tow boat operator as soon as NMSI deems it practicable and safe; and

3 **IT IS FURTHER ORDERED** that upon the safe berthing of the Vessel at
4 SugarDock, LLC, National Maritime Services will turn over the custodianship of the Vessel
5 to SugarDock, LLC, and SugarDock, LLC will be the new Substitute Custodian of the
6 Vessel until further order of the Court.

7 **IT IS FURTHER ORDERED** that the reasonable costs of moving the Vessel to
8 SugarDock, LLC and the reasonable costs of the new Substitute Custodian, SugarDock,
9 LLC's storage, preservation and safekeeping of the Vessel shall be deemed costs of *custodia*
10 *legis* under 28 U.S.C. §1921.

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12 DATED: June ____, 2007

13 U.S. DISTRICT COURT JUDGE
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